



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
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CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Project Name: 2003 Energy Code and Seattle Amendments
Applicant Name: City of Seattle - Department of Planning and Development
Address of Proposal: City of Seattle, State of Washington

SUMMARY OF PROPOSED ACTION

This is a non-project action that is proposing legislative action to adopt the 2003 Energy Code (2003 Washington State Energy Code and Seattle amendments) and replace the 2002 Seattle Energy Code (2001 Washington State Energy Code and 2002 Seattle amendments).

It is expected that the City Council will act on the proposed non-project legislation in June 2004.

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) 25.05

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

Proposed Action:

A draft ordinance has been prepared to implement the recommendations made by DPD Construction Codes Advisory Board (CCAB) on the 2003 Seattle Energy Code, found in the Director's Memorandum (8 April 2004). The proposal includes an ordinance amending Section 22.700.010 of the Seattle Municipal Code to adopt the 2003 Seattle Energy Code (by reference to the 2003 Washington State Energy Code, with Seattle amendments) and repealing the 2002 Seattle Energy Code (2001 Washington State Energy Code and 2002 Seattle amendments.)

The ordinance will include amendments to the 2003 Washington State Energy Code (WSEC) proposed by the city of Seattle. The amendments will serve two goals. First, it continues Seattle's role as a regional and national leader by retaining key requirements, over and above the 2003 WSEC, which have been incorporated into the Seattle Energy Code, and by including updates being considered for the ASHRAE/IESNA Standard 90.1. (American Society of Heating Refrigerating and Air Conditioning Engineers/Illuminating Engineering Society of North America issue a joint standard 90.1 that establishes minimum energy efficiency requirements for nonresidential and high-rise residential buildings. This document is the basis for Energy Codes throughout the United States.) Second, it supports regulatory reform by minimizing the differences between WSEC and Seattle's requirements. This reaffirms a decision made when the 1994 Seattle Energy Code was adopted.

Section 22.700.010 of the Seattle Municipal Code will be amended to adopt by reference the 2003 Washington State Energy Code (WSEC) and repeal the reference to the 2001 Washington State Energy Code. The 2003 WSEC includes modifications adopted by the Washington State Building Code Council which was published in January in the Washington State Register 04-01-106. Barring any action by the Washington State Legislature, the 2003 State code will take effect statewide on July 1, 2004. Modifications to the Washington State Energy Code will include minor changes made for clarification, and editorial changes between the Residential and Nonresidential Energy Code requirements. Changes affect the Residential Energy Code which applies to all Group R occupancies and to the Nonresidential Energy Code which applies to all other occupancies.

City of Seattle amendments to the 2003 "Washington State Nonresidential Energy Code" (WSEC) will only affect Chapters 11 through 20 and Standard RS-29. Proposed changes include clarification of code language; consistency between the 2003 WSEC and the Seattle Energy Code; incorporation of updates considered for the ASHRAE/IESNA Standard 90.1, and; adoption of specific standards that exceed the minimum standards established in the 2003 WSEC.

Public Review and Comment

In the fall of 2003, DPD indicated that it would begin a public review of proposed amendments to the Seattle Energy Code in January 2004. Staff from DPD and Seattle City Light developed a proposal that was released on 14 January 2004. Seattle DPD announced the beginning of the public review and a series of review meetings in an e-mail to the Seattle Energy Code e-mail list, in an e-mail to the CCAB e-mail list, and in a mailing to DPD's Energy Code mailing list.

Copies of the material were also posted on the DPD Seattle Energy Code website. The following public review meetings have been held: 20 January 2004 (overview), 29 January 2004 (lighting and building envelope), 5 February 2004 (economizer and mechanical alterations), 12 February 2004 (mechanical, including alterations), 26 February 2004 (mechanical, including alterations), and 4 March 2004 (economizer and mechanical alterations).

In addition, DPD staff participated in other meetings to present the recommendations and to solicit comments: ASHRAE Puget Sound Chapter monthly workshop on 14 January 2004 (mechanical equipment efficiency), BOMA Code Committee meeting on 27 January 2004 (mechanical alterations), ASHRAE Puget Sound Chapter TEGA Committee on 2 February 2004 (mechanical), and BOMA Energy Code meeting on 10 February 2004 (mechanical alterations).

The initial public review period for written comments closed on 24 February 2004. An additional public review period on the economizer provisions and mechanical alterations extended until 12 March 2004.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated 9 March 2004. The information in the checklist, the CCAB's Recommendations Memo dated 8 April 2004, and the experience of the lead agency with review of similar proposals forms the basis for this analysis and decision.

The proposed change to the Seattle Energy Code to adopt the 2003 Washington State Energy Code (WSEC) is required by the State Building Code Act. The WSEC provides minimum standards to new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy. Modifications to the WSEC include minor changes made for clarification; editorial changes for terminology and language; an update of standards to current versions; and consistency between the Residential and Nonresidential Energy Code requirements. Changes affect the Residential Energy Code applies to all Group R occupancies; the Nonresidential Code applies to all other occupancies.

The State Building Code Council has adopted review procedures and approval criteria for local amendments. Amendments proposed by the City of Seattle to the 2003 WSEC will only affect the “Washington State Nonresidential Energy Code” (Chapters 11 through 20 and RS-29 of the WSEC.) Proposed changes include clarification of code language consistency between the 2003 WSEC and the Seattle Energy Code; incorporation of updates considered for the ASHRAE/IES Standard 90.1, and; adoption of specific standards that exceed the minimum standards established in the 2003 WSEC. It is anticipated that the proposed amendments to the 2003 WSEC will provide minor energy savings and will have no significant adverse environmental impact upon the environment.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal, including the non-project action and project action, has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (c).

Signature: (signature on file) Date: May 10, 2004
Colin R. Vasquez, Land Use Planner
Department of Planning and Development